

# MEMO ENDORSED



October 30, 2023

Hon. Jessica Clarke  
 United States District Court  
 Southern District of New York  
 500 Pearl St.  
 New York, NY 10007

BRYAN CAVE LEIGHTON PAISNER LLP  
 Three Embarcadero Center  
 7th Floor  
 San Francisco CA 94111-4070  
 T: +1 415 675 3400  
 F: +1 415 675 3434  
[bclplaw.com](http://bclplaw.com)

## Filed by ECF

### **Re: Joint Letter Request to Extend Discovery Deadlines** *Ornua v. Abbey, Case No. 1:23-cv-01212*

Dear Judge Clarke:

Counsel in this matter jointly file this letter motion requesting that the Court extend current discovery and dispositive motion deadlines by two weeks to accommodate the travel schedule of Abbey's Rule 30(b)(6) witness. This is the parties' second request to extend these deadlines. The current and proposed deadlines are set forth below:

Task	Current Deadline	Proposed Deadline
Rule 30(b)(6) Deposition of Def. Abbey	Nov. 30, 2023	Dec. 14, 2023
Def. Abbey's Motion for Summary Judgment	Jan. 8, 2024	Jan. 22, 2024
Pl. Ornua's Response	Jan. 29, 2024	Feb. 12, 2024
Def. Abbey's Reply	Feb. 5, 2024	Feb. 19, 2024

As grounds for this request, the parties state as follows:

This is a trade dress dispute over butter packaging. Judge Oetken ordered a shortened discovery period limited to the issue of likelihood of confusion under the *Polaroid Factors*. The Court's order of May 31, 2023 set the following deadlines: "Deposition due by 9/30/2023. Discovery due by 8/31/2023. Motions due by 11/21/2023. Replies due by 11/28/2023." On September 27, 2023, the parties moved to extend these deadlines by 60 days while they tried to resolve certain discovery disputes, ECF 40, which motion the Court granted the following day, ECF 41.

Since that time the parties have been working diligently to resolve their discovery issues but have not been able to resolve all of them and will, if necessary, submit a joint letter under Section 4.k. of Your Honor's Individual Rules and Practices in Civil Cases.

The parties have also been working on dates for Abbey's Rule 30(b)(6) deposition. Ornua's proposed dates during the week of November 27, 2023 were not available due to the travel schedule of Abbey's Rule 30(b)(6) witness. After conferring, the parties agreed to set Abbey's deposition for Wednesday, December 6, 2023 and to extend the current deadlines by two weeks.

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Accordingly, the parties respectfully request a two-week extension of the existing case deadlines. This is the second request to extend these deadlines and the requested extension will not impact any other deadlines. The parties are not currently scheduled to appear before the Court on any date.

Sincerely,



**Timothy Reynolds**  
Counsel for Ornua

Sincerely,



**Stephen L. Baker**  
Counsel for Abbey

Application GRANTED. The deadline to complete the deposition of Defendant's Rule 30(b)(6) witness is December 14, 2023. Defendant's motion for summary judgment is due by January 22, 2024; Plaintiff's response is due on February 12, 2024; and Defendant's reply is due on February 19, 2024.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: October 31, 2023  
New York, New York